

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

In re: CARYN DEVINS STRICKLAND,  
Petitioner.

No. 24-1353

**DEFENDANTS' NOTICE IN FURTHER RESPONSE TO PLAINTIFF'S  
REQUEST FOR DISCLOSURE OF RECORDS**

On July 10, 2024, plaintiff-petitioner Caryn Strickland requested that defendants voluntarily disclose “all public records from the intercircuit-assignment process in this case.” *See* Notice of Plaintiff's Request (July 10, 2024), ECF No. 19. On July 22, 2024, defendants notified plaintiff and this Court that the Judiciary was making a discretionary disclosure of certain documents pertaining to the panel assigned to this proceeding, even though these are not *public* records. *See* Defendants' Notice in Response to Plaintiff's Request (July 22, 2024), ECF No. 24.

With this filing, the Judiciary makes a discretionary disclosure of analogous documents pertaining to the assignment of a district judge to this litigation. Defendants reiterate, as they have explained in detail in response to plaintiff's previous similar requests, that there are no public records concerning the intercircuit assignment process, and the underlying documentation, like all

working papers of the Judicial Conference, is ordinarily not subject to disclosure. *See* Response to Motion to Disclose, No. 21-1346 (4th Cir. Jan. 26, 2022), ECF No. 108; *see also Strickland v. United States*, 32 F.4th 311, 341-42 (4th Cir. 2022) (summarizing this filing). Moreover, plaintiff's request for records related to the assignment of the district judge more than four years ago is untimely.

In the circumstances of this litigation, however, the Judiciary has previously made discretionary disclosures of several documents pertaining to the designation and assignment of the panel that handled an earlier appeal as well as, more recently, the panel that is assigned to this proceeding (and to any further appeals or mandamus actions arising out of the district court case). Those documents included the recommendation memoranda to the Chief Justice concerning the assignment of the judges who served on these panels, the certificates of necessity, and the cover letters accompanying the designation and assignment orders. *See* Exhibits A-C to Notice in Response to Plaintiff's Request; Exhibits A-C to Response to Motion to Disclose. The Judiciary is now making a further discretionary disclosure of the equivalent documents pertaining to the district judge assigned to this litigation (except the cover letter accompanying the designation and assignment order, which was publicly filed

by the district court on April 17, 2020, *see* ECF No. 28). Those documents are attached to this notice.<sup>1</sup>

Respectfully submitted,

SARAH CARROLL

*/s/ Kevin B. Soter*

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JULY 2024

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<sup>1</sup> The March 24, 2020, memorandum to the Chief Justice also concerned three case assignments in unrelated litigation. Because those assignments are not relevant here, they have been redacted in the attached version of the memorandum.

# **EXHIBIT A**



ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

JAMES C. DUFF  
Director

WASHINGTON, D.C. 20544

March 24, 2020

MEMORANDUM

To: The Chief Justice  
From: James C. Duff *James C. Duff*  
RE: INTERCIRCUIT ASSIGNMENTS

Attached for your signature, if you approve, are intercourt assignments as follows:

Honorable William G. Young  
District of Massachusetts

to Western District of North Carolina  
1-20-cv-00066, Roe v. United States

[REDACTED]

to

[REDACTED]

[REDACTED]

to

[REDACTED]

[REDACTED]

to

[REDACTED]

The certificate of necessity and consent forms are attached. The Committee recommends your approval.

Attachments

cc: Jeffrey P. Minear

# **EXHIBIT B**

# JUDICIAL CONFERENCE OF THE UNITED STATES

## COMMITTEE ON INTERCIRCUIT ASSIGNMENTS

### CERTIFICATE OF NECESSITY

Pursuant to 10 U.S.C. § 942(f) or 28 U.S.C. § 291(a), 292(d) or (e), 293(a), or 294(d), and the Guidelines for the Intercircuit Assignment of Article III Judges, I certify that a need exists for the designation and assignment of a United States judge from another circuit (or special court) to perform judicial duties in the following court:

United States District Court for the Western District of North Carolina

Name and Title of Judge to be assigned:

Honorable William G. Young

Judge, U.S. District Court for the District of Massachusetts

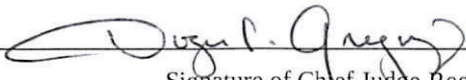
Period of assignment:

from

**OR**

Specific case(s): 1-20-cv-00066, Roe v. United States

This requested assignment is for the period or purpose stated, and for such time as needed in advance to prepare and to issue necessary orders, or thereafter as required to complete unfinished business. The judge selection was made by the Judicial Conference Committee on Intercircuit Assignments. The Chief Circuit Judge's signature attests to the need for an assignment and is not a request for assignment of a particular judge.

  
Signature of Chief Judge Roger L. Gregory

United States Court of Appeals for the Fourth Circuit

Name of Circuit (or special court)

Date: March 18, 2020

**Please submit the signed form to the Intercircuit Assignments Database System via your circuit representative at least one month or more in advance of the assignment.**